

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Linda F. Cantor (CA Bar No. 153762) PACHULSKI STANG ZIEHL & JONES LLP 10100 Santa Monica Blvd., 13 th Floor Los Angeles, California 90067 Telephone: 310-277-6910 Facsimile: 310-201-0760 E-mail: lcantor@pszjlaw.com <input type="checkbox"/> Movant(s) appearing without an attorney <input checked="" type="checkbox"/> Attorney for Movant(s)	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
<p>In re: The Tulving Company, Inc.</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:14-bk-11492-ES CHAPTER: 7</p> <p>DECLARATION RE NON-OPPOSITION RE NOTICE OF MOTION AND MOTION OF CHAPTER 7 TRUSTEE FOR AN ORDER LIMITING SCOPE OF NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF R. TODD NEILSON: RE ENTRY OF ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)</p> <p style="text-align: right;">[No Hearing Required]</p>

1. I am the Movant(s) or attorney for Movant(s) or employed by attorney for Movant(s).
2. On: June 12, 2014 Movant(s) filed a motion entitled: Notice of Motion and Motion Of Chapter 7 Trustee For An Order Limiting Scope Of Notice; Memorandum Of Points And Authorities In Support Thereof; Declaration Of R. Todd Neilson
3. A copy of the motion and notice of motion is attached hereto as **Exhibit A**.
4. On June 12, 2014, Movant(s) served a copy of the notice of motion or the motion and notice of motion on required parties using the method(s) identified on the Proof of Service of the notice of motion.
5. Pursuant to LBR 9013-1(o), the notice of motion provides that the deadline for filing and serving a written response and request for a hearing is 14 days after the date of service of the notice of motion, plus 3 additional days if served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F).
6. More than 14 days have passed since Movant(s) served the notice of motion.
7. I have checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing has been timely filed.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

8. **No response and request for hearing has been timely served on Movant(s) at the street address, email address, or facsimile number specified in the notice of motion.**
9. Based upon the foregoing, and pursuant to LBR 9013-1(o), a hearing is not required.

WHEREFORE, Movant(s) requests that the motion be granted and an order be entered without a hearing on the motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: June 30, 2014

/s/ Linda F. Cantor

Signature

Linda F. Cantor

Printed name

Exhibit A

1 Linda F. Cantor (CA Bar No. 153762)
2 Jason S. Pomerantz (CA Bar No. 157216)
3 Pachulski Stang Ziehl & Jones LLP
4 10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067
Telephone: 310-277-6910
Facsimile: 310-201-0760
E-mail:lcantor@pszjlaw.com

[Proposed] Counsel for R. Todd Neilson, Chapter 7 Trustee
for The Tulving Company, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

11 | In re:

Case No.: 8:14-bk-11492-ES

12 THE TULVING COMPANY, INC., a
13 California corporation,

Chapter 7

**NOTICE OF MOTION AND MOTION OF
CHAPTER 7 TRUSTEE FOR AN ORDER
LIMITING SCOPE OF NOTICE;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF;
DECLARATION OF R. TODD NEILSON**

[No Hearing Requested per Local Bankruptcy Rule 9013-1(o)(1)]

**TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE,
THE OFFICE OF THE UNITED STATES TRUSTEE, KNOWN CREDITORS AND
PARTIES WHO HAVE REQUESTED SPECIAL NOTICE:**

21 R. Todd Neilson, duly appointed chapter 7 trustee (“Trustee”) in the above-captioned
22 bankruptcy case (the “Case”), hereby moves the Court for entry of an order limiting the scope of
23 notice of certain matters as set forth herein (the “Motion”). By this Motion, the Trustee seeks,
24 pursuant to Rules 2002(i), 2002(m), 4001, 6004, 6006, 6007, 9006, 9007, 9013, 9014, and 9019 of
25 the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), entry of an order authorizing
26 the Trustee to limit notice of the Limited Notice Matters (as defined in the attached *Memorandum of*
27 *Points and Authorities*) in this Case to the following parties: (1) the Office of the United States
28 Trustee, (2) parties that have previously filed or file with the Court requests for notice of all matters

1 in accordance with Bankruptcy Rule 2002(i), and (3) any party with a direct pecuniary interest in the
2 subject matter of the particular Limited Notice Matter or its counsel. In addition, the Trustee
3 requests that the Court allow notice to be sent via e-mail to those creditors that authorize service by
4 such method. If the relief requested herein is granted, the burden, complication, delay and cost to
5 the Debtor's estate that is associated with administering the Case and providing notice of the
6 proceedings in this Case to all of the parties would be dramatically reduced.¹ In an effort to reduce
7 creditor concerns about diminishing returns to creditors due to administrative expenses, the Trustee
8 believes that by limiting notice of all matters identified in Bankruptcy Rule 2002, it will help allay
9 creditor cost concerns and reduce costs to the estate.

10 **PLEASE TAKE FURTHER NOTICE** that the Motion is based on this Notice and Motion,
11 the attached *Memorandum of Points and Authorities*, the Declaration of R. Todd Neilson filed in
12 support hereof, the arguments of counsel at any hearing hereon, and other admissible evidence
13 properly brought before the United States Bankruptcy Court for the Central District of California,
14 Santa Ana Division (the "Court"). In addition, the Trustee requests that the Court take judicial
15 notice of all documents filed with the Court in this Case.

16 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Bankruptcy Local Rule 9013-
17 1(o)(1), any objection to or request for hearing on the Motion must be filed and served upon the
18 Trustee within fourteen (14) days of the mailing of this Notice. Any objection or request for hearing
19 must be accompanied by any declarations or memoranda of law that the objecting or requesting
20 party wishes to present in support of its position. If there is no timely objection or request for
21 hearing, the Court may grant the relief requested in the Motion by default. If an objection or request
22 for hearing is timely made, the Trustee will set the matter for hearing and will provide at least
23 fourteen (14) days' written notice of the hearing to the objecting or requesting party.

24 **WHEREFORE**, the Trustee respectfully requests that this Court enter an order (1) limiting
25 the scope and manner of notice as set forth herein and in the *Memorandum of Points and Authorities*

27
28 ¹ The Trustee is currently unaware of the exact number of creditors in the case as the Debtor did not file its Schedules of
Assets and Liabilities and the Trustee is working to determine the scope of creditors.

1 attached hereto, and (2) granting such other and further relief as is just and proper under the
2 circumstances.

3 Dated: June 12, 2014

PACHULSKI STANG ZIEHL & JONES LLP

4
5 By /s/ Linda F. Cantor
6 Linda F. Cantor

7 [Proposed] Counsel for R. Todd Neilson,
8 Chapter 7 Trustee for the Tulving
9 Company, Inc.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

4 The Trustee is seeking an order of this Court limiting notice to be given on certain motions
5 and applications that might be filed in this Case as set forth below. Such a procedure is necessary
6 and appropriate to reduce creditor concerns in this case regarding excessive administrative costs and
7 diminishing returns to creditors. Requiring notice to, and service upon, so many persons or entities
8 would substantially increase the cost and administrative burden on the estate and diminish the assets
9 ultimately available for creditors without conferring any meaningful benefit on the Debtor's
10 creditors. The Trustee submits that the proposed limited scope of notice is necessary to avoid the
11 unnecessary administrative costs of serving notice of all pleadings on hundreds of parties, many of
12 whom will not even read such notices, while simultaneously assuring that the interested parties in
13 this Case receive proper and sufficient notice of all matters. In addition, the Trustee requests that the
14 Court allow notice to be sent via e-mail to those creditors that authorize service by such method.

II.

STATEMENT OF FACTS

A. Jurisdiction and Venue

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

B. The Background of the Debtor's Business

The Debtor is a California corporation. Hannes Tulving, Jr. is the President and sole equity holder of the Debtor. The Debtor was in the business of selling and purchasing gold, silver, coins, bullion, and other precious metals through its internet website or by phone. Over the past year, customer complaints against the Debtor concerning delayed or undelivered orders were increasingly made to the Better Business Bureau as well as various law enforcement agencies. In early March, 2014, a class-action lawsuit was filed against the Debtor and Hannes Tulving, Jr. in the United States District Court, Northern District of California. The Debtor ceased operations on or about March 3,

1 2014. Shortly before the initiation of these proceedings, a raid was conducted at the business offices
2 of the Debtor by the Secret Service and the Department of Justice and the Debtor's computers,
3 documents and inventory were seized for an ongoing criminal investigation.

4 **C. Procedural Background of Case**

5 The Debtor commenced this case by the filing of a voluntary petition for relief under chapter
6 11 of the Bankruptcy Code on March 10, 2014. In light of the pending criminal investigation and
7 other ongoing litigation, on March 18, 2014, the United States Trustee filed a *Stipulation Appointing*
8 *Chapter 11 Trustee* [Docket No. 15] ("Stipulation"), which was signed by both the Debtor and its
9 attorney. The Stipulation was approved by the Bankruptcy Court on March 18, 2014 [Docket
10 No. 16] and an Order was entered by the Court on March 21, 2014 approving the *U.S. Trustee's*
11 *Application for the Appointment of a Chapter 11 Trustee*, appointing R. Todd Neilson as trustee of
12 the Debtor's estate [Docket No. 22]. On April 30, 2014, the Trustee filed a motion to convert the
13 case to chapter 7 [Docket No. 74] which motion was granted at a hearing on May 22, 2014. On May
14 29, 2014 the Court entered an order converting this Case to chapter 7 [Docket No. 108]. A *Notice of*
15 *Appointment of Trustee and Fixing of Bond; Acceptance of Appointment as Interim Trustee* was filed
16 on June 10, 2014 [Docket No. 126], appointing R. Todd Neilson as Trustee.

17 **III.**

18 **ARGUMENT**

19 **A. Proposed Limited Notice**

20 The Trustee requests that the Court limit the scope of service of all notices, motions, or
21 applications, including, but not limited to, the following:

- 22 • any proposed use, sale, or lease of property of the estate pursuant to section 363 of
the Bankruptcy Code and Bankruptcy Rules 2002(a)(2), 4001(b), and 6004;
- 23 • any proposed approval of a compromise or settlement of a controversy pursuant to
section Bankruptcy Rules 2002(a)(3) and 9019 and/or section 363 of the
Bankruptcy Code;
- 24 • any proposed abandonment or disposition of property of the estate pursuant to
section 554 of the Bankruptcy Code and Bankruptcy Rules 6007(a) or (c);
- 25 • any proposed assumption, assumption and assignment or rejection of contracts or
leases under section 365 of the Bankruptcy Code and Bankruptcy Rule 6006(a) or
(c);

26
27
28

- 1 • any proposal to prohibit or condition the use, sale or lease of property pursuant to
§ 363 of the Bankruptcy Code or Bankruptcy Rule 4001(a);
- 2 • any proposed objections to claims pursuant to section 502 of the Bankruptcy Code or
Bankruptcy Rules 3002, 3003 or 3007;
- 3 • any proposed application for employment of professionals pursuant to sections 327,
1103 or 1104 of the Bankruptcy Code or Bankruptcy Rule 2014;
- 4 • a hearing on any other contested matter in this case that requires notice to all
creditors or equity holders pursuant to the Bankruptcy Code, Bankruptcy Rule
9014, or the Local Bankruptcy Rules; and
- 5 • all other pleadings, papers, and requests for relief or other order of the Court, except
as limited below.

8 (The notices, motions and applications for which the Trustee is seeking to limit notice are hereinafter
9 referred to as the "Limited Notice Matters.")

10 Specifically, the Trustee proposes that notices regarding the Limited Notice Matters that will
11 be heard on regular notice be served by NEF notice or, if not on the NEF service list, first class mail
12 or via e-mail upon obtaining consent from such party², upon only: (a) the Office of the United States
13 Trustee, (b) parties that have filed and do file with the Court requests for notice of all matters in
14 accordance with Bankruptcy Rule 2002(i), (c) the Debtor's agent for service, (d) any party with a
15 direct pecuniary interest in the subject matter of the particular Limited Notice Matter or its counsel,
16 and (e) any party requesting and consenting to e-mail notice of the Limited Notice Matters
17 (collectively, the "Limited Service List").

18 Notwithstanding the foregoing, the relief requested in this Motion does not affect the rights
19 of all creditors and parties-in-interest in these cases to receive notice of the following matters or
20 proceedings: (a) the meeting of creditors; (b) the deadline for filing proofs of claim; and (c) the
21 hearing on any motion to convert or dismiss the case. Moreover, the Trustee has caused to be
22 established a website for creditors in this case which provides information regarding pending matters
23 and other case events at <http://tulvingbankruptcy.com>.

27

28 ² See Local Rule 9036-1(a)(1) (The NEF automatically generated upon the filing of a document constitutes notice and
service by electronic means for all persons and entities that have consented to electronic service of any document.).

1 **B. The Court Has Authority to Limit the Scope of Notice**

2 Bankruptcy Rule 2002(i) provides, in pertinent part, as follows:

3 [T]he Court may order that notices required by subdivision (a)(2), (3)
4 and (6) of this rule be transmitted to the United States Trustee and be
5 mailed only to the committees . . . appointed under § 1102 of the Code
6 or to their authorized agents and to the creditors and equity security
7 holders who serve on the trustee or Debtors in possession and file a
8 request that all notices be mailed to them.9 Fed. R. Bankr. P. 2002(i). In addition, Bankruptcy Rules 4001, 6004, 6006, 9006, 9007, 9013, 9014,
10 and 9019 each allow this Court to determine those parties to whom the Trustee must provide notice.
11 Given the number of parties-in-interest in this Case, it would be impractical and would impose a
12 large administrative and economic burden upon the Debtor's estate if the Trustee were required to
13 mail notice of every matter in this Case to all parties listed on the creditor matrix.14 **C. Proposed Notice Procedures**15 As permitted by Bankruptcy Rules 2002(i) and (m), the Trustee proposes that the Court enter
16 an order that, to the extent allowed, limits the parties upon whom the Trustee must serve the Limited
17 Notice Matters in this Case. This Order should also designate the manner of service as set forth
18 below regarding all matters for which the Bankruptcy Code and the Bankruptcy Rules authorize the
19 Court to designate the manner of service, including matters subject to Bankruptcy Rules 2002(i),
20 4001, 6004, 6006 or 6007. This Order should also allow the Trustee to give notice via e-mail to
21 those creditors that authorize service by such method. It is well within the Court's authority to
22 regulate notices and to approve the notice procedures proposed by the Trustee. Furthermore, these
23 notice procedures will minimize administrative burdens in this Case without diminishing creditor
24 participation.25 Pursuant to Local Bankruptcy Rule 9075-1(a)(6), motions filed that require emergency or
26 expedited relief must be served by e-mail, fax or personal service. In some instances, service by one
27 of the means listed is not possible within the time frame available or is not practical (e.g., service on
28 a very large group for which the debtor has no fax or e-mail addresses readily available). The
29 Trustee proposes that service of emergency or expedited Limited Notice Matters be upon only the

1 Limited Service List and that, in addition to the service methods authorized by Local Bankruptcy
2 Rule 9075-1, service of emergency or expedited Limited Notice Matters by NEF notice, e-mail or
3 overnight delivery, if such notice will be delivered prior to the scheduled hearing time, be
4 authorized.

5 **D. The Limited Notice Procedures are Necessary and Appropriate**

6 The above proposed limited notice procedures are necessary and appropriate given that the
7 creditor body is cognizant of the administrative costs and burdens on the estate and many of the
8 creditors would not be interested in receiving copies of all the Limited Notice Matters but would find
9 service of all these motions and other documents wasteful. Requiring notice to, and service upon, so
10 many parties, therefore, would substantially augment the cost and administrative burden on the
11 estate without conferring any meaningful corresponding benefit, and thus would diminish the assets
12 ultimately available for distributions to the Debtor's creditors. Further, allowing service of an
13 emergency motion by NEF notice, e-mail, or by overnight delivery in the instances outlined above
14 provides parties on the Limited Service List with adequate notice and preserves the Trustee's ability
15 to bring such matters on a timely and efficient basis. The Trustee submits that such notice
16 constitutes due and sufficient notice of the Limited Notice Matters.

17 **E. Notice of this Motion and Any Order Approving Same**

18 The Trustee will serve all parties listed on the Debtor's mailing matrix as well as all parties
19 requesting special notice with Notice of this Motion. All parties therefore will have an adequate
20 opportunity to object to the relief requested herein. In that way, all parties will have adequate notice
21 that in order to receive notices in this Case they will need to file requests for special notice or
22 requests for and consent to e-mail notice. The Trustee will provide a copy of the Limited Service
23 List to any creditor or party in interest that requests it. Provided the order on this Motion is granted,
24 the Trustee will post information concerning the election to receive e-mail notice to the creditor
25 body on the creditor website.

1
IV.
2

CONCLUSION

3
WHEREFORE, to facilitate the efficient administration of this Case, and to reduce the
4 significant costs, delays, and burdens that would be associated with providing notice of all matters in
5 this Case to all creditors, the Trustee hereby respectfully requests that the Court enter the order
6 granting (a) the relief requested herein; (b) finding that notice of the Motion is sufficient under the
7 circumstances; and (c) granting such other and further relief as is just and proper under the
8 circumstances.

9 Dated: June 12, 2014

PACHULSKI STANG ZIEHL & JONES LLP

10 By: /s/ Linda F. Cantor
11 Linda F. Cantor (SBN 153762)

12 [Proposed] Counsel for R. Todd Neilson, Chapter 7
13 Trustee of the Tulving Company, Inc.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

DECLARATION OF R. TODD NEILSON

I, R. Todd Neilson, declare:

1. I am the duly appointed chapter 7 trustee (the "Trustee") in the above-captioned bankruptcy case (the "Case"). I make this Declaration on facts within my personal knowledge (albeit my own or that gathered by professionals rendering services to me), or as a result of having reviewed the court file in this Case. If called upon, I can and will competently testify to the facts stated herein.

2. I make this Declaration in support of the *Notice of Motion and Motion of Chapter 11 Trustee for Order Limiting Scope of Notice* (the “Motion”). Capitalized terms not otherwise defined herein have the meaning ascribed to them in the Motion.

3. The Debtor had been in the business of selling and purchasing gold, silver, coins, bullion, and other precious metals through its internet website or by phone. Over the past year, customer complaints against the Debtor concerning delayed or undelivered orders were increasingly made to the Better Business Bureau as well as various law enforcement agencies. In early March, 2014, a class-action lawsuit was filed against the Debtor and Hannes Tulving, Jr. in the United States District Court, Northern District of California. The Debtor ceased operations on or about March 3, 2014. Shortly before the initiation of these proceedings, a raid was conducted at the business offices of the Debtor by the Secret Service and the Department of Justice and the Debtor's computers, documents and inventory were seized for an ongoing criminal investigation.

4. On March 10, 2014, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. In light of the pending criminal investigation and other ongoing litigation, on March 18, 2014, the United States Trustee filed a *Stipulation Appointing Chapter 11 Trustee* ("Stipulation") which was signed by both the Debtor and its attorney. The Stipulation was approved by the Bankruptcy Court on March 18, 2014 and an Order was entered by the Court on March 21, 2014, approving my appointment as Trustee of the Debtor's Chapter 11 estate. On April 30, 2014, I caused to have filed a motion to convert this Case to chapter 7, which motion was granted at a hearing on May 22, 2014. On May 29, 2014 the Court entered an order converting this Case to

1 chapter 7 and I was appointed to serve as the chapter 7 trustee, pursuant to that certain Notice of
2 Appointment of Trustee and Fixing of Bond; Acceptance of Appointment as Interim Trustee, filed
3 on June 10, 2014 [Docket No. 126]. I am requesting that the Court limit the scope of service of all
4 notices, motions, or applications, including, but not limited to, the following:

- 5 • any proposed use, sale, or lease of property of the estate pursuant to section 363 of the
Bankruptcy Code and Bankruptcy Rules 2002(a)(2), 4001(b), and 6004;
- 6 • any proposed approval of a compromise or settlement of a controversy pursuant to
section Bankruptcy Rules 2002(a)(3) and 9019 and/or section 363 of the Bankruptcy
Code;
- 7 • any proposed abandonment or disposition of property of the estate pursuant to section
554 of the Bankruptcy Code and Bankruptcy Rules 6007(a) or (c);
- 8 • any proposed assumption, assumption and assignment or rejection of contracts or leases
under section 365 of the Bankruptcy Code and Bankruptcy Rule 6006(a) or (c);
- 9 • any proposal to prohibit or condition the use, sale or lease of property pursuant to § 363
of the Bankruptcy Code or Bankruptcy Rule 4001(a);
- 10 • any proposed objections to claims pursuant to section 502 of the Bankruptcy Code or
Bankruptcy Rules 3002, 3003 or 3007;
- 11 • any proposed application for employment of professionals pursuant to sections 327, 1103
or 1104 of the Bankruptcy Code or Bankruptcy Rule 2014;
- 12 • a hearing on any other contested matter in this case that requires notice to all creditors
or equity holders pursuant to the Bankruptcy Code, Bankruptcy Rule 9014, or the Local
Bankruptcy Rules; and
- 13 • all other pleadings, papers, and requests for relief or other order of the Court, except as
limited below.

17 The notices, motions and applications for which I am seeking to limit notice are hereinafter
18 referred to as the "Limited Notice Matters." Specifically, the Trustee proposes that notices regarding
19 the Limited Notice Matters that will be heard on regular notice be served by NEF notice or, if not on
20 the NEF service list, first class mail or via e-mail upon obtaining consent from such party³, upon
21 only: (a) the Office of the United States Trustee, (b) parties that have filed and do file with the Court
22 requests for notice of all matters in accordance with Bankruptcy Rule 2002(i), (c) the Debtor's agent
23 for service, (d) any party with a direct pecuniary interest in the subject matter of the particular
24 Limited Notice Matter or its counsel, and (e) any party requesting and consenting to e-mail notice of
25 the Limited Notice Matters (collectively, the "Limited Service List"). Notwithstanding the

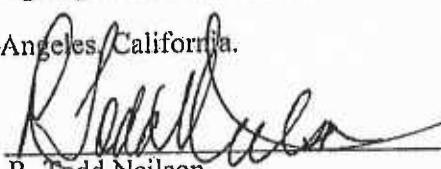
27
28 ³ See Local Rule 9036-1(a)(1) (The NEF automatically generated upon the filing of a document constitutes notice and
service by electronic means for all persons and entities that have consented to electronic service of any document.).

1 hearing on the dismissal or conversion of this Case. Moreover, I have caused to be established a
2 website for creditors in this case which provides information regarding pending matters and other
3 case events at <http://tulvingbankruptcy.com>.

4 5. The proposed limited notice procedures are necessary and appropriate given that the
5 creditor body is cognizant of the administrative costs and burdens on the estate and many of the
6 creditors would not be interested in receiving copies of all the Limited Notice Matters but would find
7 service of all these motions and other documents wasteful. Requiring notice to, and service upon, so
8 many parties, therefore, would substantially augment the cost and administrative burden on the
9 estate without conferring any meaningful corresponding benefit, and thus would diminish the assets
10 ultimately available for distributions to Debtor's creditors. Further, allowing service of an
11 emergency motion by NEF notice, e-mail, or by overnight delivery in the instances outlined above
12 provides parties on the Limited Service List with adequate notice and preserves my ability to bring
13 such matters on a timely and efficient basis. I submit that such notice constitutes due and sufficient
14 notice of the Limited Notice Matters.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed this 11th day of June, 2014, at Los Angeles, California.

17
18 R. Todd Neilson

19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE OF DOCUMENT**2 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
3 address is 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 900674 A true and correct copy of the foregoing document **NOTICE OF MOTION AND MOTION OF**
CHAPTER 7 TRUSTEE FOR AN ORDER LIMITING SCOPE OF NOTICE;
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF;
5 **DECLARATION OF R. TODD NEILSON** will be served or was served (a) on the judge in
chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:6 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**7 Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court
via NEF and hyperlink to the document. On June 12, 2014, I checked the CM/ECF docket for this
8 bankruptcy case or adversary proceeding and determined that the following persons are on the
Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:9 Service information continued on attached page10 **2. SERVED BY UNITED STATES MAIL:**11 On June 12, 2014, I served the following persons and/or entities at the last known addresses in this
12 bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed
envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the
13 judge here constitutes a declaration that mailing to the judge will be completed no later than 24
hours after the document is filed.14 Service information continued on attached page15 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE**16 **TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to
F.R.Civ.P. 5 and/or controlling LBR, on June 12, 2014, I served the following persons and/or
17 entities by personal delivery, overnight mail service, or (for those who consented in writing to such
service method), by facsimile transmission and/or email as follows. Listing the judge here
18 constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed
no later than 24 hours after the document is filed.19 *Via Federal Express*20 The Honorable Erithe A. Smith
United States Bankruptcy Court
Central District of California
21 Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5040 / Courtroom 5A
22 Santa Ana, CA 92701-459323 Service information continued on attached page24 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
correct.

25 June 12, 2014

26 Date

Janice G. Washington

Printed Name

/s/ Janice G. Washington

Signature

1 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**2 **8:14-bk-11492-ES Notice will be electronically mailed to:**
3 Andrew S Bisom on behalf of Debtor The Tulving Company Inc
4 abisom@bisomlaw.com5 Candice Bryner on behalf of Interested Party Candice Bryner
6 candice@brynerlaw.com7 Philip Burkhardt on behalf of Other Professional Karen Duddlesten
8 phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com9 Stephen L Burton on behalf of Attorney Stephen L. Burton
10 steveburtonlaw@aol.com11 Linda F Cantor, ESQ on behalf of Other Professional Pachulski Stang Ziehl & Jones LLP
12 lcantor@pszjlaw.com, lcantor@pszjlaw.com13 Linda F Cantor, ESQ on behalf of Trustee R. Todd Neilson (TR)
14 lcantor@pszjlaw.com, lcantor@pszjlaw.com15 David L Gibbs on behalf of Creditor Kenneth W Stach
16 david.gibbs@gibbslaw.com, ecf@gibbslaw.com17 Nancy S Goldenberg on behalf of U.S. Trustee United States Trustee (SA)
18 nancy.goldenberg@usdoj.gov19 Lawrence J Hilton on behalf of Creditor Jeffrey Roth
20 lhilton@oneil-llp.com, ssimmons@oneil-llp.com; kdonahue@oneil-llp.com21 John H Kim on behalf of Creditor Ford Motor Credit Company LLC
22 jkim@cookseylaw.com23 Elizabeth A Lossing on behalf of U.S. Trustee United States Trustee (SA)
24 elizabeth.lossing@usdoj.gov25 R. Todd Neilson (TR)
26 tneilson@brg-expert.com, sgreenan@brg-expert.com; tneilson@ecf.epiqsystems.com; ntroszak@brg-expert.com27 Jason S Pomerantz on behalf of Trustee R. Todd Neilson (TR)
28 jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com29 Nanette D Sanders on behalf of Creditor Levon Gugasian
30 becky@ringstadlaw.com31 United States Trustee (SA)
32 ustpregion16.sa.ecf@usdoj.gov

1 **2. SERVED BY UNITED STATES MAIL**2 **Debtor**

3 The Tulving Company Inc
P.O. Box 6200
4 Newport Beach, CA 92658

5 **Counsel for Debtor**

6 Andrew S Bisom
The Bisom Law Group
7 8001 Irvine Center Drive, Ste. 1170
Irvine, CA 92618

8 **Trustee**

9 R. Todd Neilson (TR)
BRG, LLP
2049 Century Park East
Suite 2525
10 Los Angeles, CA 90067

11 **U.S. Trustee**

12 United States Trustee (SA)
411 W Fourth St., Suite 9041
Santa Ana, CA 92701-4593

13 **Counsel for U.S. Trustee**

14 Nancy S Goldenberg
411 W Fourth St Ste 9041
Santa Ana, CA 92701-8000

15 **Laurence P Nokes on behalf of Interested Party John Frankel**

16 Nokes & Quinn
410 Broadway St Ste 200
17 Laguna Beach, CA 92651

18 **Accountants for Landlord**

19 Brent Murdoch
20 Murdoch & Morris, LLP
114 Pacifica, Ste. 320
21 Irvine, CA 92618

22 **Interested Party**

23 Frye & Hsieh
24 Douglas J Frye Esquire
24955 Pacific Coast Highway # A201
Malibu, CA 90265

25 **Counsel for Creditor Levon Gugasian**

26 Nanette D. Sanders, Esq.
Ringstad & Sanders LLP
2030 Main Street
27 Suite 1600
Irvine, CA 92614

Creditors

William Clark Berry
1331 Ashland Mine Road
Ashland, Oregon 97520

Gary A. Pemberton
Shulman Hodges & Bastian LLP
8105 Irvine Center Drive, #600
Irvine, CA 92618

Leonard M. Schulman, Esq.
Shulman Hodges & Bastian LLP
8105 Irvine Center Drive
Suite 600
Irvine, CA 92618

Counsel for Scott Stuart, as Trustee of the James Stuart Revocable Trust, now

Irrevocable

Melissa Robbins Coutts, Esq.
Matthew B. Learned, Esq.
McCarthy & Holthus, LLP
1770 Fourth Avenue
San Diego, CA 92101

Amy Lepard
1748 St. Andrews
Moraga, CA 94556

Anne Dezelski
c/o Bethany C. Warner
107 Cass Street, Suite G
Traverse City, MI 49684

Benjamin J. Grunwald
2531 S. Evening Fog Circle
Palmer, AK 99645

Betty M. Harris
377 Nottingham Drive
Gordonville, TX 76245

C. Scott Daudert
1115 NW Connell Avenue
Hillsboro, OR 97124

Danny M. Shook
PO Box 900
Kilauea, HI 96754

David E Duke
15555 Meadowbrook Circle Lane
Chesterfield, MO 63017-7529

1 Hannes Tulving, Jr.
 2 P.O. Box 6200
 3 Newport Beach, CA 92658 Redoven Rusimovic
 4 Internal Revenue Service
 5 PO Box 7346 3709 South 298th Street
 6 Philadelphia, PA 19101-7346 Auburn, WA 98001
 7 Jade McGaff
 8 PO Box 422
 9 Kamuela, HI 96743 Rick A Leffel
 10 Jeff Roth
 11 O'Neil LLP
 12 19900 MacArthur Blvd., Suite 1050
 13 Irvine, CA 92612 Robert and Barbera Bone Trust
 14 Jerry Barrett
 15 8373 SE 176th Lawson Loop
 16 The Villages, FL 32162 Robert W Bone and Barbera B Bone
 17 Kaela Perrotti or Nicole Perrotti
 18 Kaela Perrotti
 19 522 Monet Drive
 20 Rockville, MD 20850 145 Blue View Ln
 21 Kelly Conner
 22 5818 Vendome Lane
 23 Houston, TX 77092 Kimberling City, MO 65686
 24 Kendra Pearsall
 25 6595 Odell Pl
 26 Ste Mezanine S
 27 Boulder, CO 80301-3316 Robert Cafarelli
 28 Kieu Luu
 29 13301 Prince James Dr
 30 Chesterfield, VA 23832 872 Doyle Davis Rd
 31 Kim J. Moller
 32 1955 Stoakley Rd.
 33 Prince Frederick, MD 20678 Greeneville, TN 37743
 34 Lawrence J. Hilton, Esq.
 35 O'Neil LLP
 36 19900 MacArthur Blvd
 37 Ste 1050
 38 Irvine, CA 92612 Robert J Espinosa
 39 Michael Manant
 40 64-667 Puu Pohu Pl
 41 Kamuela, HI 96743 1280 Heresa Ave
 42 Paul J Waters
 43 204 Palmetto Rd
 44 Belleair, FL 33756 Campbell, CA 95008
 45 Kenneth W. Stach
 46 c/o The Clinebell Law Firm
 47 P.O. Box 3808
 48 San Clemente, CA 92674 Robert J Chevako
 49 Leo Gushgarian
 50 11 Ridgeline
 51 Newport Beach, CA 92660 Thoa Hoang
 52 335 St. James Ave
 53 Woodbridge, NJ 07095 Martin Salm
 54 Creditor Holding 20 Largest Unsecured
 55 Claims
 56 Alfred J. Olsen
 57 c/o Burch & Cracchiolo, P.A.
 58 702 East Osborn Road
 59 Phoenix, AZ 85014 Kristian and Jennifer Assaley
 60 c/o Candice Bryner, Esq.
 61 900 Roosevelt
 62 Irvine, CA 92620

1 Willis G. Eshbaugh, Jr.
 2 c/o Candice Bryner, Esq.
 3 900 Roosevelt
 4 Irvine, CA 92620

5 Victor Hannan
 6 c/o Kronenberger Rosenfeld, LLP
 7 150 Post St., Ste. 520
 8 San Francisco, CA 94108

9 ***Claimants Who Have Filed Proofs of Claim***

10 Jarrod N. Jones
 11 239 Crocker Hill Road,
 12 Binghamton, NY 13904

13 Richard M. Walchli
 14 900 Kinzua Road
 15 Warren, PA 16365

16 Thomas T. Amlie
 17 4123 Siegrist Road
 18 Mount Joy, PA 17552

19 Kenneth D. Christman
 20 1965 Loma Linda Lane
 21 Dayton, OH 45459

22 Dale Schaffenacker
 23 2276 E. 1800 North Rd
 24 Moweequa, IL 62550

25 Redgy Sullivan
 26 PO Box 514
 27 George West, TX 78022

28 William & Madeline Jacquot
 29 31105 Wyle Ranch Way
 30 North Fork, CA 93643

31 Redoven Rusimovic
 32 3709 South 298th Street
 33 Auburn, WA 98001

34 Frederic Paul Cole
 35 7350 SE County Road 337
 36 Morriston, FA 32668

37 David P. Michalak
 38 05930 Spring Green Way
 39 Batavia, IL 60510

40 C. Scott Duadert
 41 1115 NW Connell Ave
 42 Hillsboro, OR 97124

43 Thoa Hoang
 44 335 St. James Ave
 45 Woodbridge, NJ 7095

46 Jade McGaff
 47 Po Box 422
 48 Kamuela, HI 96743

49 Amy Lepard
 50 1748 St. Andrews
 51 Moraga, CA 94556

52 Robert Cafarelli
 53 872 Doyle Davis Road
 54 Greenville, TN 37743

55 Lawrence J Hilton, Esq
 56 O'Neil LLP 19900 MacArthur Blvd
 57 Suite 1050
 58 Irvine, CA 92612

59 Robert J. Espinosa
 60 1280 Heresa Ave
 61 Campbell, CA 95008

62 Michael D. Ivey
 63 508 Old Haw Creek Road
 64 Asheville, NC 28805

65 Scott Ziemke
 66 1726 N. Shom Creek Terrace
 67 Vernon Hills, IL 60061

68 Jerry Barrett
 69 8373 SE 176th Lawson Loop
 70 The Villages, FL 32162

71 Rick A. Leffel
 72 PO Box 97, 1212 Maple Ave
 73 Panhandle, TX 79068-0971

74 Michael Manant
 75 64-667 Puu Pohu Place
 76 Kamuela, HI 96743

77 Kelly Conner
 78 5818 Verdome Lane
 79 Houston, TX 77092

80 Kendra Pearsall
 81 6595 Odell Place, Ste Mezanin S
 82 Boulder, CO 80301-3316

83 Radovan Rusimovic
 84 3709 South 298th Street
 85 Auburn, WA 98001

1	Robert J. Chevako 2787 Kiley Road PO Box 290 New Woodstock, NY 13122	John Bellinger 5 Manchester Drive Lebanon, NH 03766
2	Kim J. Moller 1955 Stoakley Rd. Prince Frederick, MD 20078	Gale E. Shultz 5690S 904E Wolcottville, IN 46795
3	William Clark Berry PO Box 686 Carlsborg, WA 98324	Linda Marie Silver 7480 Gallaudet Court Manassas, VA 20112
4	Kaela Perrotti or Nicole Perrotti 522 Monet Drive Rockville, MD 20850	Bracken J. De Witt 12599 Largo Drive Fishers, IN 46037
5	Betty M. Harris 377 Nottingham Drive Gordonville, TX 76245	Dan W. Glovak PO Box 246 Troy, MI 48099-0246
6	Paul J Waters 204 Palmetto Road Belleair, FL 33756	Don R. Trueblood 18771 Vanderlip Ave Santa Ana, CA 92705
7	Robert & Barbara Bone Trust 145 Blueview Lane Kimberling City, MO, 65686	Jerry L Taylor 19005 E. Low Place Aurora, CO 50015
8	Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346	Thomas Ferg 14222 W. Dusty Trail Blvd Sun City West, AZ 85375
9	Kieu Luu 13301 Prince James Dr. Chesterfield, VA 23832	Jeffrey Bates 281 Rangeway Rd Billerica, MA 01862
10	Anne Dezelksi c/o Bethany Warner, 107 Cass Street Suite G Traverse City, MI 49684	John H. Kim, esq. Cooksey, Toolen, Gage, Duffy & Woog 535 Anton Blvd, 10th Floor Costa Mesa, CA 92626
11	Cherri Elaine Trahan 16012 Braesgate Drive Austin, TX 78717	John A. Zofchak William R. Moriarty, 84 State Street Boston, MA 02109
12	Danny M Shook PO Box 900 Kilauea, HI 96754	Capital One Bank (USA), N.A. by American InfoSource LP as agent PO Box 71083 Charlotte, NC 28272-1083
13	David E Duke 15555 Meadow Brook Circle Lane Chesterfield, MO 63017-7529	Fred M. Dycus 616 Augustan Lane Knoxville, TN 37934
14	Benjamin J. Grunwald 2531 South Evening Fog Circle Palmer, AK 99645	

1 Jim T. Boyle
2 9826 N. 46th Street
Phoenix, AZ 85028

3 Stephen Brister
4 1025 Hunters Glen Circle
Edmond, OK 73012

5 Jack J. D'Elia
6 6467 N.W. 37th Avenue
Coconut Creek, FL 33073

7 Ford Motor Credit Company
John H Kim Esq, Cooksey Toolen Gage Duffy
8 and Woog; 535 Anton Blvd
Costa Mesa, CA 92626

9 Szabo Laszlo International, LLC (IRA) for
10 benefit of Laszlo Szabo
H-7020 Dunafoldvar, Baross UTCA 44
11 Hungary

12 Judith E. Nagengast
925 Anderson Frankton Rd.
13 Anderson, IN 46011

14 Charles W III and Melinda A. Wilson
160 Deer Creek Road
15 Hulett, WY 82720

16 Craig M. and Joanne S. Okita
246 Puumakani Street
17 Kahului, HI 96732

18 Gerald Hollenkamp
240 5th Avenue South
19 St. Paul, MN 55075

20 Gerald L. Hopp Jr.
819 Hilary Court
21 Longwood, FL 32750

22

23

24

25

26

27

28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled: **DECLARATION RE NON-OPPOSITION RE NOTICE OF MOTION AND MOTION OF CHAPTER 7 TRUSTEE FOR AN ORDER LIMITING SCOPE OF NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF R. TODD NEILSON: RE ENTRY OF ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) June 30, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) June 30, 2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) June 30, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Federal Express
The Honorable Erithe A. Smith
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5040 / Courtroom 5A
Santa Ana, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 30, 2014
Date

Janice G. Washington
Printed Name

/s/ Janice G. Washington
Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):
8:14-bk-11492-ES Notice will be electronically mailed to:

- Andrew S Bisom abisom@bisomlaw.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- Stephen L Burton steveburtonlaw@aol.com
- Linda F Cantor lcantor@pszjlaw.com, lcantor@pszjlaw.com
- David L Gibbs david.gibbs@gibbslaw.com, ecf@gibbslaw.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Lawrence J Hilton lhilton@oneil-llp.com, ssimmons@oneil-llp.com; kdonahue@oneil-llp.com
- John H Kim jkim@cookseylaw.com
- Elizabeth A Lossing elizabeth.lossing@usdoj.gov
- R. Todd Neilson (TR) tneilson@brg-expert.com, sgreenan@brg-expert.com; tneilson@ecf.epiqsystems.com; ntroszak@brg-expert.com
- Jason S Pomerantz jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com
- Nanette D Sanders becky@ringstadlaw.com
- Richard C Spencer rspencer@rspencerlaw.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

Debtor The Tulving Company Inc P.O. Box 6200 Newport Beach, CA 92658	Laurence P Nokes on behalf of Interested Party John Frankel Nokes & Quinn 410 Broadway St Ste 200 Laguna Beach, CA 92651	William C Berry PO Box 686 Carlsborg, WA 98324
Counsel for Debtor Andrew S Bisom The Bisom Law Group 8001 Irvine Center Drive, Ste. 1170 Irvine, CA 92618	Accountants for Landlord Brent Murdoch Murdoch & Morris, LLP 114 Pacifica, Ste. 320 Irvine, CA 92618	Berkeley Research Group LLC 2049 Century Park East Suite 2525 Los Angeles, CA 90067
Trustee R. Todd Neilson (TR) BRG, LLP 2049 Century Park East Suite 2525 Los Angeles, CA 90067	Interested Party Frye & Hsieh Douglas J Frye Esquire 24955 Pacific Coast Highway # A201 Malibu, CA 90265	
U.S. Trustee United States Trustee (SA) 411 W Fourth St., Suite 9041 Santa Ana, CA 92701-4593	Counsel for Creditor Levon Gugasian Nanette D. Sanders, Esq. Ringstad & Sanders LLP 2030 Main Street Suite 1600 Irvine, CA 92614	
Counsel for U.S. Trustee Nancy S Goldenberg 411 W Fourth St Ste 9041 Santa Ana, CA 92701-8000		

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.